

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Dennison et al.

**Serial No.:** 09/488,099

**Filed:** January 18, 2000

**For:** METHOD FOR MAKING  
ELECTRICAL CONTACT WITH AN  
ACTIVE AREA THROUGH SUB-MICRON  
CONTACT OPENINGS AND A  
SEMICONDUCTOR DEVICE

**Confirmation No.:** 3941

**Examiner:** K. Picardat

**Group Art Unit:** 2822

**Attorney Docket No.:** 2269-3255.1US  
(1991-0507.01/RE)

**VIA ELECTRONIC FILING**

**February 19, 2009**

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed November 21, 2008 and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

The Terminal Disclaimer filed on 09 April 2002, has overcome the obvious double patenting rejection, and none of the prior art teaches or suggests the method of making a semiconductor device as claimed.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements and limitations in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Jeffrey Gunn', with a long horizontal flourish extending to the right.

J. Jeffrey Gunn

Registration No. 56,957

Attorney for Applicant(s)

TRASKBRITT

P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

Date: February 19, 2009

JAW/kso/slm

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